

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

NESTLÉ PURINA PETCARE COMPANY,)
))
Plaintiff,))
))
v.) Case No. 4:14-cv-00859-RWS
))
THE BLUE BUFFALO COMPANY LTD.,))
))
Defendant.))

DECLARATION OF STEVEN CRIMMINS

I, Steven Crimmins, hereby declare as follows:

1. My name is Steven Crimmins. I have worked at the St. Louis headquarters of Nestlé Purina PetCare Company (“Purina”) since 1984. I am currently the Chief Marketing Officer of U.S. Pet Foods and have held this position since 2009. As the Chief Marketing Officer of U.S. Pet Foods, I oversee Purina’s marketing efforts for, among other things, dog food and cat food. From approximately 2003 to 2009, I was a Vice President of Marketing, Dog Food.

2. Purina currently has 15 dry pet food brands. Those brands include the dog food product lines Beyond, ProPlan, Purina ONE, Dog Chow, Beneful, Alpo, Purina Veterinary Diets and the cat food product lines Beyond, ProPlan, Purina ONE, Fancy Feast, Friskies, Cat Chow, Kit & Kaboodle and Deli Cat. Across these brands, Purina currently has many hundreds of dry pet food product SKUs (i.e. stock keeping unit, or individual type, flavor and package format of pet food). Purina’s dry pet food brand offering has not remained static between 2009 and the present. For example, Purina introduced new products under the ProPlan, Purina ONE and

Beneful brands. Purina also discontinued certain products such as Purina ONE Natural Blends, Pro Plan Selects and Pet Promise.

3. Purina's advertising for its dry pet food brands includes television, print and digital/online advertisements. Purina's quickly changing digital/online advertising includes promotions on Purina's social media accounts like Facebook and Twitter, online search-triggered ads and online videos. Purina's advertisements in the digital space can amount to hundreds per day. Purina also conducts advertising in retail circulars and in the form of in-store displays. Thus, the number of distinct advertisements for Purina's dry food products since 2009 is in the many thousands.

4. Purina currently operates 8 different manufacturing facilities across the United States for dry pet food products. All of Purina's dry pet food products are produced at those facilities.

I declare the foregoing under penalty of perjury under the laws of the United States that the foregoing is true and correct, executed this 17th day of October, 2014.



Steven Crimmins
Nestlé Purina PetCare Company